

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INITIAL STATEMENT OF REASONS

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2,
ADOPT NEW CHAPTER 12, ARTICLE 1, AND SECTION 1875

COMPUTER CRIME REPORTING FOR STATE AGENCIES (CHP-R-05-03)

PURPOSE OF REGULATIONS AND PROPOSED AMENDMENTS

California Government Code (GC) Section 14615 (b) states in part, “The Department of the California Highway Patrol has jurisdiction over those matters related to the security of state officers, property, and occupants of state property.”

Section 14613.7 (a) GC states in part, “Each state agency that is protected by the Department of the California Highway Patrol, those state agencies currently being protected by contract private security companies, or those state agencies currently under contract with a local governmental law enforcement agency for general law enforcement services, excluding all current mutual aid agreements, shall, as soon as practical, report to the Department of the California Highway Patrol all crimes and criminally caused property damage on state-owned or state-leased property where state employees are discharging their duties.”

The CHP proposes a new regulation requiring representatives of state agencies to immediately notify the CHP via the California State Warning Center upon discovery of all computer related crimes, as required by 14613.7(a) GC.

The California State Warning Center is available 24 hours a day, seven days a week, to receive reports of computer crimes from state agencies.

The necessity of this rule is due to the fragile nature of digital evidence in computer crime cases. A delay in reporting could allow for the inadvertent destruction of critical evidence that is necessary for thorough investigation or criminal prosecution.

SECTION BY SECTION OVERVIEW

§1875. Computer Crimes Reporting for State Agencies.

This proposed regulation will require representatives of state agencies to immediately notify the California Highway Patrol (CHP) via the California State Warning Center upon discovery of all computer related crimes, as required by 14613.7(a) GC.

This proposal will also provide clarity to the affected agencies by providing a contact number and the hours during which the CHP is prepared to receive reports of computer crimes from those agencies.

STUDIES/RELATED FACTS

None.

ALTERNATIVES

The CHP has not identified any alternative, including the no action alternative, which would be more effective and less burdensome for the purpose for which this action is proposed. Additionally, the CHP has not identified any alternative which would be as effective and less burdensome to affected persons other than the action being proposed.

LOCAL MANDATE

These regulations do not impose any new mandate on local agencies or school districts.

ECONOMIC IMPACT ON BUSINESS

The CHP has not identified any significant adverse impact on businesses.

FISCAL IMPACT TO THE STATE

The Department has determined these regulation amendments will result in:

- No significant compliance cost for persons or businesses directly affected;
- No discernible adverse impact on the quantity and distribution of goods and services to large and small businesses or the public;
- No impact on the level of employment in the state; and
- No impact on the competitiveness of this state to retain businesses, as state, provincial and national governments throughout North America have already adopted these requirements.